

2009 ASSEMBLY BILL 93

February 27, 2009 – Introduced by Representatives ROTH, BIES, GUNDERSON, LOTHIAN, NASS, A. OTT, PETERSEN, SPANBAUER, STRACHOTA, TOWNSEND and VAN ROY, cosponsored by Senators HOLPERIN and A. LASEE. Referred to Committee on Consumer Protection.

1 **AN ACT** *to renumber and amend* 100.52 (1) (i); and *to create* 100.52 (1) (am)
2 and 100.52 (1) (i) 2. of the statutes; **relating to:** prohibiting certain automated
3 telephone solicitations.

Analysis by the Legislative Reference Bureau

Current law regulates “telephone solicitation,” which is defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods, or services. Generally, under current law, a telephone solicitor may not make a telephone solicitation to a residential customer if the customer’s telephone number is included in a nonsolicitation directory, maintained by the Department of Agriculture, Trade and Consumer Protection (DATCP), listing residential customers who do not wish to receive telephone solicitations. Under current law, the regulation of telephone solicitations does not apply to a nonprofit organization.

This bill expands the definition of “telephone solicitation” to include a telephone call initiated using an automatic dialing announcing device. Under the bill, an “automatic dialing announcing device” means a device that dials a telephone number and disseminates a prerecorded or synthesized voice message. As a result, the bill prohibits using an automatic dialing announcing device to initiate an unsolicited telephone call, if the recipient of the call is included in the DATCP directory. The prohibition does not apply to calls initiated using an automatic dialing announcing device from a school or school district to a student, parent of a student, or employee; from a person who has a current business or personal relationship with the recipient;

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or from a governmental unit to alert the recipient to a danger to the recipient's health or safety.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.52 (1) (am) of the statutes is created to read:

2 100.52 (1) (am) “Automatic dialing announcing device” means a device that
3 does all of the following:

4 1. Dials a telephone number.

5 2. Disseminates, whether alone or in conjunction with another device, a
6 prerecorded or synthesized voice message.

7 **SECTION 2.** 100.52 (1) (i) of the statutes is renumbered 100.52 (1) (i) (intro.) and
8 amended to read:

9 100.52 (1) (i) (intro.) “Telephone solicitation” means the any of the following:

10 1. The unsolicited initiation of a telephone conversation for the purpose of
11 encouraging the recipient of the telephone call to purchase property, goods or
12 services.

13 **SECTION 3.** 100.52 (1) (i) 2. of the statutes is created to read:

14 100.52 (1) (i) 2. The unsolicited initiation of a telephone call using an automatic
15 dialing announcing device, unless any of the following applies:

16 a. The call is initiated by a school or school district to a student, parent of a
17 student, or an employee.

18 b. The call is initiated to a residential customer by a person who has a current
19 business or personal relationship with the customer.

